

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 09-cr-20443

v.

CARLOS FLOWERS,

HONORABLE STEPHEN J. MURPHY, III

Defendant.

/

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS INDICTMENT (docket no. 14)**

Defendant Carlos Flowers is charged in an indictment with one count of knowing failure to register or update registration under the Sex Offender Registration and Notification Act ("SORNA") after having traveled interstate. 18 U.S.C. § 2250(a). Before the Court is Flowers's motion to dismiss the indictment.

Carlos Flowers was convicted in 1994 of second-degree criminal sexual conduct. On September 15, 2009 a grand jury returned an indictment charging one violation of 18 U.S.C. § 2250(a) for a failure to register after having traveled interstate on or about May 2009.

On December 14, 2009, the Court issued an opinion and order in the case of *United States v. Derick Stevenson*, No. 09-cr-20306 (E.D. Mich. December 14, 2009). The relevant facts in *United States v. Stevenson* are materially similar to those in this case. Accordingly, for the reasons stated in the Court's opinion in *United States v. Stevenson*, the Court will dismiss the indictment charging Flowers with one count of failure to register as a sex offender, 18 U.S.C. § 2250(a). Under the Court's reading of the Sixth Circuit recent decision in *United States v. Cain*, 583 F.3d 408 (6th Cir. Oct. 13, 2009), Flowers was not required to register under the Sexual Offender Registration and Notification Act ("SORNA"). 42 U.S.C.

§ 16901-62.

WHEREFORE, it is hereby **ORDERED** that:

- Flowers's Motion to Dismiss the Indictment (docket no. 14) is **GRANTED**;
- The Indictment (docket no. 1) is **DISMISSED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 15, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 15, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager